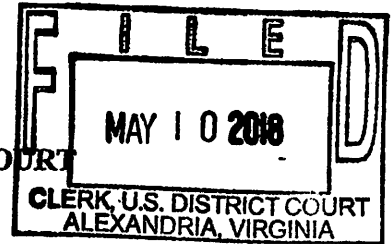


IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA



COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number

1:18CV557-LMB-MSN  
(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

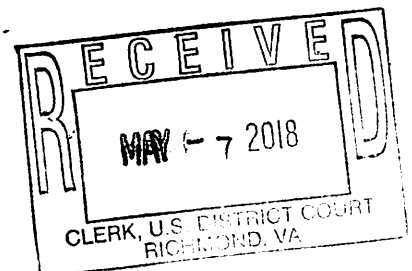
1. (a) Keith Andre Robinson (b) 0042540  
(Name) (Inmate number)  
(c) 2690 Elmhurst Ln., Portsmouth, VA. 23701  
(Address)

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) H. White #28344 (b) Officer H. White / Norfolk Police Dept.  
(Name) (Title/Job Description)  
(c) 3661 E. Va. Beach Blvd.  
(Address)  
Norfolk, VA. 23502



2. (a) J.E. Myers (Name) (b) Officer J.E. Myers / Norfolk Police Dept. (Title/Job Description)  
 (c) 3661 E. VA. Beach Blvd. (Address)  
Norfolk, VA. 23502
3. (a) M. Pierce (Name) (b) Officer M. Pierce / Norfolk Police Dept. (Title/Job Description)  
 (c) 3661 E. VA. Beach Blvd. (Address)  
Norfolk, VA. 23502

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

**Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.**

## II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [ ] No [☒]
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

### 1. Parties to previous lawsuit:

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

### 2. Court (if federal court, name the district; if state court, name the county):

3. Date lawsuit filed: \_\_\_\_\_

4. Docket number: \_\_\_\_\_

SEE ATTACHMENT

B. Defendant(s):

4. (a) Norfolk Police Department (b) Norfolk Police Department  
(Name) (Title/Job Description)

(C) 3661 E. VA. Beach Blvd.  
(Address)  
Norfolk, VA. 23502

5. Name of Judge to whom case was assigned: \_\_\_\_\_  
\_\_\_\_\_

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?):  
\_\_\_\_\_  
\_\_\_\_\_

### III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place:  
\_\_\_\_\_

B. Does the institution listed in "A" have a grievance procedure? Yes [ ] No [ ]

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [ ] No [ ]

2. If so, where and when: \_\_\_\_\_

3. What was the result? \_\_\_\_\_  
\_\_\_\_\_

4. Did you appeal? Yes [ ] No [ ]

5. Result of appeal: \_\_\_\_\_  
\_\_\_\_\_

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [ ] No [ ]

If your answer is Yes, what steps did you take? \_\_\_\_\_  
\_\_\_\_\_

E. If your answer is No, explain why you did not submit your complaint to the prison authorities:  
\_\_\_\_\_  
\_\_\_\_\_

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

I.  
On Dec. 22<sup>nd</sup>, 2017, at approx. 1637 hrs. Plaintiff arrived at his residence of 984 Albert Ave. Norfolk, VA. 23513. When Officer H. White of the Norfolk Police Dept. said that the Plaintiff smelled like a green leafy substance; placed Plaintiff under arrest, searched his person, but found no contraband. However Officer H. White took utility and Holiday savings in the amount of \$8011.00 in United States Currency without reasonable suspicion. Thus violating my Fourth Amendment ~~Constitutional~~ rights against unreasonable search and seizure.

II.  
Again on the above day and approx. time there after Officer H. White asked the Plaintiff could he search the vehicle in the driveway. Plaintiff said "no". Officer H. White then responded that, "He was going to search the car with or without your permission." He then proceeded to search the car; continuing to violate Plaintiff's 4<sup>th</sup> Amendment Rights.

SEE ATTACHMENT

STATEMENT OF THE CLAIM

III.

On the above date approx. a short time later at 1700 hrs. Officer H. White, Officer J.E. Myers, and Officer M. Pierce of the Norfolk Police Dept., decided that they were going to search the Plaintiff's home under the guise of a 'protective sweep'. Plaintiff's front door was closed; and he also objected to the search. Officer went on to say, "I'm going to search this house with or without your permission." They then ~~entered~~ entered Plaintiff's home violating his Fourth Amendment Rights of unreasonable searches and seizure.

IV.

Plaintiff also names the Norfolk Police Department, who is culpable in fact. The Norfolk Police Department is liable for training, recruiting, procedure misconduct, gross negligence, and the calous disregard in the violating of the Plaintiff's Fourth Amendment rights.

V.

As a result of the three Officers actions under the authority of the Norfolk Police Department, mentioned above due to their joint oppressiveness and intimidation

continued →

SEE ATTACHMENT

Continued... STATEMENT OF THE CLAIM  
tactics against the enjoyment of the Plaintiff's rights. Plaintiff has lost his home, fiancée, child to be due to miscarriage (cause by the total stress of entire ordeal). Plaintiff's household is now displaced and homeless. Plaintiff was to graduate from Tidewater Tech., in the following month as a Welding graduate; that has been derailed. Plaintiff's dreams and recent aspirations have been destroyed. The sheer pressure, and overall magnitude of this ordeal has caused the Plaintiff's health to debilitate along with his sanity since the trauma of December 22, 2017.

## V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. K.A.R. (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

- ☒ Award money damages in the amount of \$ 2,000,000.00
- ☒ Grant injunctive relief by also returning seized currency in the amount of \$8011.00
- ☐ Other \_\_\_\_\_

## VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

Norfolk City Jail, 811 E. City Hall Ave., Norfolk, VA. 23510  
transferred Jan. 15<sup>th</sup>, 2018 to Hampton Roads Regional Jail,  
2160 Elmhurst Ln., Portsmouth, VA. 23701

## VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes [☒] No [☐]. You may consent at any time; however, an early consent is encouraged.

## VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 3rd day of May, 2018.

Plaintiff Keith Andre Robinson